

AMENDED IN ASSEMBLY APRIL 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 981

Introduced by Assembly Member Feuer

February 27, 2009

An act to amend Section ~~466.1~~ 212.5 of the Penal Code, relating to ~~burglary tools~~ robbery.

LEGISLATIVE COUNSEL'S DIGEST

AB 981, as amended, Feuer. ~~Burglary tools.~~ Robbery.

Existing law provides that every robbery of any person while using an automated teller machine or immediately after the person has used an automated teller machine and is in the vicinity of the automated teller machine is robbery of the first degree.

This bill would narrow the scope of first degree robbery in that instance by providing that every robbery of any person depositing or withdrawing money from an automated teller machine or immediately after the person has used an automated teller machine for those purposes and is in the vicinity of the automated teller machine is robbery of the first degree.

~~Existing law provides that any person who knowingly and willfully sells or provides a lock pick, a tension bar, a lock pick gun, a tubular lock pick, or a floor-safe door puller, to another, whether or not for compensation, shall obtain the name, address, telephone number, if any, date of birth, and driver's license number or identification number, if any, of the person to whom the device is sold or provided.~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 212.5 of the Penal Code is amended to
2 read:

3 212.5. (a) Every robbery of any person who is performing his
4 or her duties as an operator of any bus, taxicab, cable car, streetcar,
5 trackless trolley, or other vehicle, including a vehicle operated on
6 stationary rails or on a track or rail suspended in the air, and used
7 for the transportation of persons for hire, every robbery of any
8 passenger which is perpetrated on any of these vehicles, and every
9 robbery which is perpetrated in an inhabited dwelling house, a
10 vessel as defined in Section 21 of the Harbors and Navigation
11 Code which is inhabited and designed for habitation, an inhabited
12 floating home as defined in subdivision (d) of Section 18075.55
13 of the Health and Safety Code, a trailer coach as defined in the
14 Vehicle Code which is inhabited, or the inhabited portion of any
15 other building is robbery of the first degree.

16 (b) Every robbery of any person ~~while using~~ *depositing or*
17 *withdrawing money from* an automated teller machine or
18 immediately after the person has used an automated teller machine
19 *for those purposes* and is in the vicinity of the automated teller
20 machine is robbery of the first degree.

21 (c) All kinds of robbery other than those listed in subdivisions
22 (a) and (b) are of the second degree.

23 SECTION 1. ~~Section 466.1 of the Penal Code is amended to~~
24 read:

25 ~~466.1. Every person who knowingly and willfully sells or~~
26 ~~provides a lock pick, a tension bar, a lock pick gun, a tubular lock~~
27 ~~pick, or a floor-safe door puller, to another, whether or not for~~
28 ~~compensation, shall obtain the name, address, telephone number,~~
29 ~~if any, date of birth, and driver's license number or identification~~
30 ~~number, if any, of the person to whom the device is sold or~~
31 ~~provided. This information, together with the date the device was~~
32 ~~sold or provided and the signature of the person to whom the device~~
33 ~~was sold or provided, shall be set forth on a bill of sale or receipt.~~
34 ~~A copy of each bill of sale or receipt shall be retained for one year~~

1 and shall be open to inspection by any peace officer during business
2 hours:
3 Any person who violates any provision of this section is guilty
4 of a misdemeanor.

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